



## Arlington Conservation Commission

**Date:** Thursday, March 6, 2025

**Time:** 7:00 AM

**Location:** Conducted by Remote Participation.

Please register in advance for this meeting. Reference materials, instructions, and access information for this specific meeting will be available 48 hours prior to the meeting on the Commission's agenda and minutes page. This meeting will be conducted in a remote format consistent with Chapter 2 of the Acts of 2023, which further extends certain COVID-19 measures regarding remote participation in public meetings until March 31, 2025. Please note: Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law. This agenda includes those matters which can be reasonably anticipated to be discussed at the meeting.

### Agenda

1. Administrative
  - a. Administrative Report.
    - National Flood Insurance Program Compliance.
  - b. Review Meeting Minutes.
2. Discussion
  - a. Katja Kwaku on Menotomy Rocks Park Wood Frog Restoration Project.
  - b. Enforcement Order: 40 Park Avenue.
  - c. Water Bodies Working Group.
  - d. CPA Committee Liaison.
  - e. Tree Committee Update.
  - f. Symmes Conservation Restriction.
3. Hearings

**DEP #091-0356: Notice of Intent: Thorndike Place (Continued from 02/20/2025).**

DEP #091-0356: Notice of Intent: Thorndike Place (Continued from 02/20/2025).

The Conservation Commission will hold a public hearing under the Wetlands Protection Act to consider a Notice of Intent for the construction of Thorndike Place, a multifamily development on Dorothy Road in Arlington. Areas proposed to be altered include Buffer Zone to Bordering Vegetated Wetland and Bordering Land Subject to Flooding associated with Alewife Brook.



## Town of Arlington, Massachusetts

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**Enforcement Order: 40 Park Avenue.**

**Summary:**

Enforcement Order: 40 Park Avenue.

**ATTACHMENTS:**

	Type	File Name	Description
▢	Reference Material	Restoration_Plan_40_Park_Ave_and_1293- 1305_Massachusetts_Ave.pdf	40 Park Avenue - Draft Restoration Plan.pdf

February 26, 2025

## Electronic & Hand Delivery

Arlington Conservation Commission  
Arlington Town Hall Annex  
730 Massachusetts Avenue  
Arlington, MA 02476

**Re: Restoration Plan**  
**40 Park Avenue and 1293-1305 Massachusetts Avenue**  
**Arlington, Massachusetts**

[LEC File #: PAALLP\24-453.02]

Dear Members of the Conservation Commission:

On behalf of the Property Owner, 30 Park Avenue Associates, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this letter describing the proposed *Restoration Plan* being provided as a response to an Enforcement Order (EO) issued by the Arlington Conservation Commission on September 17, 2024 (and subsequently modified by vote at the public meeting on December 19, 2024) for unauthorized vegetation clearing and tree cutting within the 40 Park Avenue property (Parcel ID 59-1-10.B). The *Restoration Plan* has been prepared in accordance with the vegetation replacement section of the *Town of Arlington Wetlands Protection Regulations* (the *Bylaw Regulations*). Please find attached the *Restoration Plan*, dated January 27, 2025, prepared by LEC (Attachment A).

Note that the *Restoration Plan* also includes restoration for the associated vegetation removal that took place on the property to the immediate east, known as 1293-1305 Massachusetts Avenue (Parcel ID 59-1-10.D), owned by P&D Realty. 30 Park Avenue Associates has written permission from P&D Realty to perform the restoration activities. In compliance with the original EO, erosion control socks were installed in October 2024 and remain in place to prevent any sedimentation or runoff into the Brook.

## Proposed Restoration Plan

The *Restoration Plan* includes the planting of native, non-cultivar tree, shrub, and herbaceous species within the 25-foot No Disturbance Zone to Mill Brook. Compliance with the vegetation replacement section of the *Bylaw Regulations* is discussed below.

The Owner proposes to restore and enhance the affected portion of Riverfront Area adjacent to the Mill Brook in the southeastern portion of the 40 Park Avenue property and northwestern portion of the 1293-1305 Massachusetts Avenue property by installing native trees and shrubs. Specifically, the existing disturbed ground surface will be planted with 12 native trees (4 red maples, 4 American elm, and 4 black gum), 8 native shrubs (4 silky dogwood and 4 speckled alder), and 30 groundcover (10 cinnamon fern, 10 white wood aster, and 10 goldenrod). Existing stumps will remain in place to provide stability to the steep slopes leading down to the Mill Brook. Trees will be minimum 1.5" DBH, and shrubs will be minimum 24" tall and herbaceous species will be plugs or container grown.

### LEC Environmental Consultants, Inc.

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PLYMOUTH, MA

WAKEFIELD, MA

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This restoration effort intends to improve the function and value of the Riverfront Area and Adjacent Upland Resource Area compared to pre-existing conditions by establishing a dedicated, monitored and maintained restoration/enhancement area that will stabilize the riparian slopes, diversify the plant community composition of the area, and provide a natural filtering system for rainwater before entering the Brook. A series of markers will define the outer limit of the restoration area and will discourage future encroachment into the 25-foot No Disturb Zone, and additional boulders will prevent parking in the northwestern portions of the 1293-1305 Massachusetts Avenue property.

The species of the removed vegetation could not be identified by the remnant stumps or woody debris during LEC's site investigations; however, photos of the area from summer 2024 provided by the Owner suggest that the impacted area was densely vegetated with invasive poison ivy and non-native vines such as Oriental bittersweet, and based on existing trees in the surrounding area, many, if not all the trees may have also been non-native. What is clear is that a large tree fell on a car, which necessitated some amount of tree clearing for the interest of public safety and prevention of further property damage. Given that the 40 Park Avenue and northwestern portions of 1293-1305 Massachusetts Avenue properties are quite small and mostly developed, there is limited space onsite for additional replacement trees. Further, there are numerous monitoring wells that need to remain accessible, further limiting the extent of available space for new plantings. The northerly portion of the properties is a combination of pavement and sandy, compacted fill, so this is not suitable for vegetation planting. Part of the *Restoration Plan* includes designating an area of snow storage in an area where cars have historically parked (unauthorized) for the fitness center to the north.

The proposed *Restoration Plan* will improve the natural capacity of the Riverfront and Adjacent Upland Resource Area to protect and promote the interests of the *Bylaw*, and is commensurate with the magnitude and extent of vegetation removed. The restoration area and replacement plantings will be monitored for survivability for three growing seasons by a qualified consultant as specified in the *Bylaw Regulations*.

## Section 25 Vegetation Replacement Compliance

The proposed *Restoration Plan* has been designed to comply to the greatest extent possible with the vegetation removal and replacement standards outlined in Section 25(f)(b) of the *Bylaw Regulations* as outlined and discussed below.

### *B. Standards*

- 1) *No vegetation in a resource area protected by the Bylaw shall be damaged, extensively pruned, or removed without written approval by the Commission and, if approval is granted, with in-kind replacement (as defined below).*

*The Owner proposes in-kind replacement of the trees and vegetation that were removed without the Commission's approval. Tree replacement in accordance with the Bylaw Regulations is discussed below.*

- 2) *Extensive pruning is defined as removal of 20% or more of limbs or growth. For extensive pruning or removal of vegetation because of an Imminent Risk to Public Health and Safety, in-kind replacement shall be to the extent practicable as determined by the Commission (See Section 10 of these Regulations for Emergency Certification or Section 7 of these Regulations for Administrative Review).*

No tree pruning of trees >20% of limbs or growth is proposed.

- 3) *Vegetation replacement shall conform with Section 25.F and is not considered successful until the replacement plants have survived three full growing seasons.*

Conformance with Section 25.F is provided below. The Owner proposes to have a qualified professional monitor the replacement trees for three full growing seasons and complete yearly monitoring reports documenting the status of the replacement plantings.

*D. In administering this standard, the Commission shall consider species selection, location and timing of the plantings, compliance with the Replacement Standards in Section 25.F and the following.*

- 1) *Whether existing vegetation is in a state of irreversible decay, or invasive vegetation is present.*

A high percentage of the pre-existing vegetation was rotting trees and invasive vegetation.

- 2) *Whether a bank or slope stabilization plan requires the restructuring of soils occupied by the vegetation to be removed.*

Much of the affected area contains poor-quality fill soils. Proper healthy soils will be brought in to ensure all trees and shrubs and groundcover are planted in soils that will provide for long-term health.

- 3) *Whether the vegetation being removed is an aggressive, invasive non-native species as listed on a wetlands plant list acceptable to the Commission, such as, but not limited to that published by the Massachusetts Invasive Plant Advisory Group or the United States Fish and Wildlife Service.*

See #1 above.

- 4) *Ecological Restoration The vegetation is being removed as part of a project whose primary purpose is to restore or otherwise improve the natural capacity of a resource area to protect and promote the interests of the Bylaw; also called a Resource Area Enhancement project.*

This Restoration Plan is an Ecological Restoration project that aims to restore and improve upon the pre-existing conditions of the affected portion of Riverfront Area.

- 5) *Vegetation Replacement: The vegetation is being removed and replaced elsewhere on the project site or within the same resource area. This is subject to the Commission's determination that such removal and replacement does not decrease the resource area's contribution to the resource area values protected by the Bylaw.*

N/A.

- 6) *Imminent Risk to Public Health and Safety: The vegetation is an imminent risk to public health or safety or property as confirmed in writing and submitted to the Commission by the Arlington Tree Warden, Fire Department, Public Safety Officer, or a certified arborist.*

As described above, and documented in a police report, part of the reasoning for the removal of large, dead or dying trees, was the falling of a limb on a vehicle parked on the property.

- 7) *Any proposed removal and replacement of vegetation complies with the Replacement Standards in Section 25.F, below.*

Discussion below.

## F. Replacement Standards

### (1) Replacement Requirements for Trees and Shrubs

- a. *Tree and shrub replacement is allowed in the regulatory floodway.*

### (2) Replacement Requirements for Trees

- a. *Table F.1 indicates requirements for replacement quantity of trees based on the size of existing tree being removed.*

Table F.1. Tree Replacement Requirements	
Existing Tree	Replacement Quantity
Deciduous dbh <sup>1</sup> < 1.5" Evergreen height <sup>2</sup> < 4'	0 <sup>3</sup>
Deciduous dbh 1.5" to 6" Evergreen height 4' to 6'	2
Deciduous dbh 6" to 10" Evergreen height 6' to 10'	3
Deciduous dbh > 10" Evergreen height > 10'	≥ 4 at discretion of Commission
<sup>1</sup> dbh = diameter at breast height (4' 6" above the ground) <sup>2</sup> Evergreen trees because of their dense branches and needles are generally measured based on their height and width <sup>3</sup> Sapling trees shall include deciduous trees with a dbh of 1.5 inches and less (or caliper equivalent) and evergreens of 2 feet or less and shall be replaced at the discretion of the Commission. Replacement Deciduous trees must be a minimum of 1.5" dbh (or caliper equivalent); replacement Evergreen trees must be a minimum of 4' in height.	

According to the existing conditions survey titled "Conservation Plan", prepared by Rober Survey, dated October 28, 2024, 16 stumps were located, ranging in diameter from 4" to 53". LEC cannot verify if the stumps shown on the plan all represent trees removed by the Owner in 2024. Most of the stumps are noted to have a diameter of greater than or equal to 10" DBH, which corresponds to the 4:1 replacement category in Table F.1. A strict compliance with this table would require the planting of 59 trees. As discussed above, the Owner requests relief from this strict requirement and consideration of the proposed, reduced number of trees and shrubs given the space constraints, and the poor quality of the pre-existing vegetation including invasive species and diseased, or dead trees. The proposed restoration of the Riverfront Area is commensurate with the area impacted, and will make the location better at protecting the *Bylaw* interests than what was there prior to the disturbance.

- b. *Replacement Deciduous trees must be a minimum of 1.5" dbh (or caliper equivalent); replacement Evergreen trees must be a minimum of 4' in height.*

Replacement trees will be at least 1.5" dbh.

- c. *If a plant is healthy with a single stem, well-shaped and bushy, has sufficient well-spaced side branches to give it weight and good bud qualities, and conforms to the requirements described in the latest edition of American Standard for Nursery Stock, published by the American Association of Nurseryman (ANN), then it is an acceptable plant.*

All plantings will be healthy and conform to the American Standard for Nursery Stock.

- d. *All replacement plants shall have ball sizes which are of a diameter and depth to encompass enough of the fibrous and feeding root system as necessary for the full recovery of the plant once planted.*

All plantings will have the proper ball size when planted.

- e. *Plants over 14' should not be container grown.*

No plants over 14' will be planted.

Thank you for your consideration of this Supplemental Information. We look forward to meeting with you at the March 6, 2025 Public Hearing. If you have any questions in the meantime, please do not hesitate to contact me in our Wakefield office at 781-245-2500 or at [dwells@lecenvironmental.com](mailto:dwells@lecenvironmental.com).

Sincerely,

**LEC Environmental Consultants, Inc.**



Dan Wells

Senior Wildlife/Wetland Scientist

**Attachment A**

*Restoration Plan,*  
dated February 26, 2025  
prepared by LEC





LEC Environmental Consultants, Inc.  
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## Restoration Plan

40 Park Avenue  
Arlington, MA

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Date: 2/26/2025



1 inch = 20 feet

0 5 10 20 Feet